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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 DEUTSCHE BANK NATIONAL TRUST  
8 COMPANY, as TRUSTEE,

9 Plaintiff,

10 v.

11 PEPPERTREE HOMEOWNERS  
12 ASSOCIATION, *et al.*,

13 Defendants.

Case No. 2:18-cv-00619-KJD-NJK

ORDER

14 Presently before the Court is Defendant/Counter-claimant Tow Properties, LLC V's  
15 Motion to Stay Case (#13). Plaintiff filed a response in opposition (#18) to which Tow Properties  
16 replied (#23). Also before the Court is Defendant Peppertree Homeowners Association's Motion  
17 to Dismiss (#8). Plaintiff filed a response in opposition (#10).

18 I. Motion to Stay

19 The motion to stay is now moot because on August 2, 2018, the Supreme Court of  
20 Nevada answered the certified question at issue. See SFR Invs. Pool 1, LLC v. Bank of New  
21 York Mellon, 422 P.3d 1248 (Nev. 2018). Further, it has since issued two new opinions that bear  
22 on the issues in this action. See Wells Fargo Bank, N.A. v. Tim Radecki, 2018 WL 4402403  
23 (Nev. September 13, 2018); Bank of America, N.A. v. SFR Invs. Pool 1, LLC, 2018 WL  
24 4403296 (Nev. September 13, 2018) (tender of the superpriority amount prior to foreclosure  
25 results in buyer taking property subject to deed of trust). Accordingly, the motion to stay is  
26 denied as moot.

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1 II. Motion to Dismiss


2 After Defendant Peppertree Homeowners Association (“Peppertree”) filed its motion to  
3 dismiss on May 4, 2018, the Nevada Supreme Court issued at least three opinions that affect the  
4 substance of Defendant’s argument for dismissal. Additionally, Plaintiff correctly asserts that  
5 Defendant is a necessary party under Federal Rule of Civil Procedure 19(a). Accordingly, the  
6 Court denies the motion to dismiss.

7 III. Conclusion

8 Accordingly, IT IS HEREBY ORDERED that Defendant/Counter-claimant Tow  
9 Properties, LLC V’s Motion to Stay Case (#13) is **DENIED as moot**;

10 IT IS FURTHER ORDERED that Defendant Peppertree Homeowners Association’s  
11 Motion to Dismiss (#8) is **DENIED**.

12 Dated this 18th day of October, 2018.

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15 Kent J. Dawson  
16 United States District Judge  
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